

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated December 18, 2003.

After entry of this amendment claims 1-13, and 21 will be pending in the application. The claims have been amended to correct 35 U.S.C. § 112, second paragraph issues. Reconsideration and allowance is respectfully requested in view of the amendments made and the remarks made below.

The Applicant would like to thank the Examiner for granting the Applicant a telephonic interview on April 27, 2004. The Examiner's comments with respect to the 35 U.S.C. § 112, second paragraph rejections have been incorporated into the claims.

1. The §112 Second Paragraph Rejections

Claims 1-13 and 21 were rejected in the Office Action under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-13 and 21, were rejected by the Office Action because "it is unclear how the at least one tamper evident band 36 mechanically secures a lid portion to a body portion and [is] secure with both parts." The Office Action also states, "the drawings appear to show the at least one band is unitary with one and integral with the other by mechanical securement." The Examiner also clarified her position during the Telephonic interview and indicated that the tamper evident band should not be "unitary" with both the lid portion and body portion. In the interest of furthering prosecution, the Applicant has amended independent claims 1 and 21 to address the concerns of the Office Action. Applicant has amended claim 1 so that the tamper evident band is integral at a first location with the body portion and further is unitary at a second location with the lid portion. Amended claim 1 therefore overcomes the concern expressed in the Office Action that both the lid and body portion are unitary with the tamper evident band. Applicant has amended claim 21 so that the tamper evident band is unitary at a first location with one of the body portion or the lid portion, and further is integral at a second location with one of the body portion or the lid portion. Applicant submits that amended claim 21 therefore overcomes the concern expressed in the Office Action that both the lid and body portion are

unitary with the tamper evident band since both an integral portion and a unitary portion are required. Applicant respectfully submits that these amendments have removed any 35 U.S.C. § 112 issues and earnestly requests the removal of the rejections under 35 U.S.C. § 112.

2. Allowable Subject Matter

Applicant appreciates the Examiner's indication of allowable subject matter.

The Examiner has indicated that claims 1-13 and 21 would be allowable if amended to overcome the rejections based upon 35 U.S.C. § 112. Applicant has amended claims 1 and 21 to remove any 35 U.S.C. § 112 issues. Applicant believes that claims 1-13 and 21 are now in condition for allowance and earnestly requests notice to that effect.

3. Conclusion

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,

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